

01V 06-11 Comments
Town of



AMHERST

Massachusetts

AUG 15 2006

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ON DIVISION

**Statement for the Cable Division Public Hearing
Opposing the Proposal to Reduce Initial Licensing to 90 days**

August 7, 2006

Director Matthews,

Thank you for this opportunity to make a brief statement. My name is Isaac BenEzra, and I am the President of the Board of Directors of Amherst Community Television, a non-profit public access corporation serving Amherst, Massachusetts. These comments have been reviewed and supported by the Amherst Select Board by a unanimous vote taken at their August 7, 2006 meeting. I am authorized by the Select Board to make this statement on its behalf.

The Town of Amherst strongly opposes adoption of a rule that would reduce the licensing period for competitive initial licensing to 90 days. It is impossible to negotiate and draft a reasonable license document in 90 days. Amherst has been involved in licensing proceedings that require far more than one year to ascertain community needs, conduct regular negotiation sessions, and hold public hearings. We are very concerned that the Cable Division rulemaking on Verizon's proposal, if adopted, would make it impossible to conduct reasonable licensing proceedings. This could further harm the public interest by resulting in licenses that are not equivalent in terms and conditions to existing licenses, resulting in possible level playing field claims by incumbents.

The proposed 90 day licensing process plainly hurts Massachusetts towns and cities by usurping existing municipal licensing rights.

As stated in many of the comments filed in this proceeding, licensing should serve both the cable company and the public. The public will not be served if their representatives are denied reasonable time to negotiate and draft licenses. Adequate time is needed for ascertaining public, educational, government access and complex INet needs. The Cable Division must already know that the proposal to reduce licensing to 90 days has resulted in widespread opposition throughout the towns and cities of Massachusetts. The Cable Division has expertise in cable licensing and must be especially aware that municipalities cannot conduct fair and reasonable licensing in such an unreasonably truncated time frame.

The cable licensing process works well for the communities of Massachusetts. It enables municipalities to meet with cable companies and negotiate reasonable support for subscribers, schools, community studios, municipal buildings and licensing addresses multiple other community needs. Most of this work is negotiated by volunteer cable committees, and results in millions of dollars of benefits to our towns, cities and access centers. The Cable Division therefore should not undermine this process as it has worked well over the years, and it would be against the public interest to undermine this process.

Thank you very much for your consideration of the comments of the Town of Amherst.

